

BOARD OF DESIGN REVIEW MINUTES

August 23, 2001

CALL TO ORDER: Chairman Walter Lemon III called the meeting to order at 6:30 p.m. in Meeting Room "A" of the Beaverton Public Library at 12375 SW Fifth Street.

ROLL CALL: Present were Chairman Walter Lemon III; Board Members Anissa Crane, Monty Edberg, Ronald Nardoza and Ashetra Prentice. Board Members Hal Beighley and Stewart Straus were excused.

Associate Planner Scott Whyte, Senior Planner John Osterberg and Recording Secretary Sandra Pearson represented staff.

VISITORS:

Chairman Lemon read the format for the meeting and asked if any member of the audience wished to address the Board on any non-agenda item. There was no response.

NEW BUSINESS:

PUBLIC HEARINGS:

A. HART ROAD STREET IMPROVEMENT

The following land use applications have been submitted for the street improvements along SW Hart Road and SW 155th Avenue. The development proposal is located on SW Hart Road east of Forest Drive to SW 165th Avenue and is located within a portion of SW 155th Avenue from SW Middleton Court to SW Siletz Court.

1. BDR2001-0094: Type 3 Design Review

This request is for Design Review approval for proposed street improvements, including the addition of concrete curbs and gutters, street paving, the addition of two five foot bike lanes, street lighting, landscaping, and irrigation. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C.

2. **TPP2001-0006: Tree Preservation Plan (Significant Trees)**

This request is for Design Review approval for proposed construction activity within the boundaries of a Significant Tree Grove. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.10.15.3.C.

3. **VAR2001-0008: Design Variance**

This request is for Design Variance approval to vary from the City standards regarding undergrounding private utilities. A decision for action on the proposed development shall be based upon the approval criteria listed in Section 40.80.15.3.C.

Senior Planner John Osterberg reported that the applicant has requested that these applications be continued until November 15, 2001.

Mr. Edberg **MOVED** and Ms. Crane **SECONDED** a motion that BDR 2001-0094 – Hart Road Street Improvement Type 3 Design Review, TPP 2001-0006 – Hart Road Street Improvement Tree Preservation Plan (Significant Trees), and VAR 2001-0008 – Hart Road Street Improvement Design Variance be continued to a date certain of November 15, 2001

The question was called and the motion **CARRIED**, unanimously.

OLD BUSINESS:

CONTINUANCES:

Chairman Lemon opened the Public Hearing and read the format of the meeting. There were no disqualifications of Board Members. No one in the audience challenged the right of any Board Member to hear any agenda items or participate in the hearing or requested that the hearing be postponed to a later date. He asked if there were any ex parte contact, conflict of interest or disqualifications in any of the hearings on the agenda.

A. BDR2000-0216 - HITE LANDING MULTI-FAMILY

(Continued from July 26, 2001)

A proposal provides for the construction of two apartment buildings, one two-stories, the other three-stories, for a total of 46 units, with associated parking, sidewalks, and landscaping. The development proposal is generally located south of SW Conestoga Drive and east of SW 125th Avenue addressed at 10010 SW 125th Avenue; Washington County Assessor's Map 1S1-34BB on Tax Lot 200. The affected parcel is zoned Urban High Density (R-1) and is approximately 1.34 acres in size. A decision for action on the proposed development will involve review of the overall design of this request, including buildings, landscaping, vehicle circulation layout, and lighting design, and will be based upon the approval criteria listed in Section 40.10.15.3.C.

Associate Planner Scott Whyte noted that this Public Hearing had been continued from July 26, 2001 and discussed various Staff Memorandums, including notification of the presence of a historic resource associated with the site, which is dated August 16, 2001. He pointed out that this Memorandum had also included a request for a continuance to provide the applicant with adequate time to address certain issues, as follows:

- Landscaping within a raised berm along the 125th Street frontage;
- Tree preservation measures for the existing oak tree and any other trees selected for preservation; and
- Revised elevations and color board, including a colored elevation drawing to show the location of different materials and colors.

Mr. Whyte noted that page 2 of the Staff Memorandum dated August 16, 2001 provides his response to several of the questions relevant to historic preservation, including when the tree and house were placed on the list for historic preservation and whether the applicant is required to preserve the house, tree or any portion of the site. He referred to Section 40.25.15.3 of the Development Code, which describes the procedure required for demolition or removal of structures in historic and preservation districts. He pointed out that while the subject site is not located within a historic district, the provisions of this section also apply to historic structures. He noted that because the historic status of this structure is actually associated with the site itself, rather than the structure itself indicates that the requirement for separate review for the structure demolition is not applicable in this particular situation.

Mr. Whyte discussed the historic tree that is located on the site, observing that because the applicant intends to preserve tree there is no need to remove the historic designation. He clarified that as long as the applicant does not propose removal of greater than 20% of the tree canopy or impact to more than 10% of the tree's root zone, no application for the approval of a Tree Preservation Plan is necessary. He further clarified that if the applicant intends to go beyond the thresholds he had just described, the applicant would be required to prepare and submit an application for the approval of a Tree Preservation Plan, which would require a 20-day notice and a separate Public Hearing.

Although the Historic Resource Review Committee (HRRC) would review any application for approval of a Tree Preservation Plan, Mr. Whyte noted that it might not be necessary for applicant to receive HRRC approval to demolish existing structure in order to obtain approval of the application for Design Review. He pointed out that in order to approve this application, the Board of Design Review must make a finding in support of Criterion e, which reads as follows: "That due consideration has been given to the preservation of distinctive, historic features." He mentioned that the applicant has prepared and submitted a response to this requirement, specifically a proposal for the placement of a boulder at the corner of 125th Avenue and Conestoga Street, adding that the

entire site would be developed, as proposed. He pointed out that staff has discussed with the applicant the possibility of marking or designating the historical site, observing that a metal plaque bearing an appropriate description for the Hiteon School Site would be attached to the boulder, and that the historic Oak tree would be preserved.

Mr. Whyte discussed additional reports received prior to the Staff Report, he referred to the Memorandum, dated August 17, 2001, which was prepared by applicant's consulting arborist, Robert Mazany of *Robert Mazany and Associates*, a tree and landscaping consulting service. This memorandum reviews the health and general condition of the tree, and includes a list of therapeutic care and tree preservation measures, which will be further addressed during the applicant's presentation, adding that the revised site plan is attached. He referred to an additional Memorandum, dated August 23, 2001, prepared by Patrick Hoff of the City of Beaverton, in response to the improvements that are shown, adding that he has indicated some concerns with regard to the overall impact on that particular tree.

Observing that more official presentations regarding this application are scheduled this evening, specifically the applicant's arborist and the applicant's architect. Mr. Whyte referred to the revised plan set, which includes the revised elevation plan, including gable and roof hip treatment, in addition to some grid and column details, and changes to the exterior, including elimination of the vertical board and bat siding that had previously been approved. He mentioned that a raised berm has been proposed along 125th Avenue, noting that staff had been concerned with the placement of a building so near the property line. He pointed out that a fence has been proposed near the berm, adding that details of this light-colored 4-foot 6-inch lattice-topped vinyl fence have been attached to the Staff Report.

Mr. Whyte referred to page 4 of the Staff Report, which provides some favorable findings in response "a", mostly regarding the architectural drawings. He mentioned that there are also findings in support of criterion "d" and "e", adding that criterion "d" is with respect to the preservation of significant trees and criterion "e" addresses due consideration to distinctive historical features. He stated that the proposal meets all applicable criteria, with the exception of criterion "e", unless the applicant can successfully show how the existing historical tree on site would be preserved through site development and building construction. Observing that these Conditions of Approval had been proposed at the last hearing, he noted that there had been some changes to the proposed conditions, which are shown in bold italic. He mentioned that page 8 of the Staff Report also contains three new conditions with respect to applicant's proposed changes. He emphasized that proposed Condition of Approval No. 14, which addresses all of the grading activity associated with the historic Oak tree, would have to be revised in order to reflect new evidence submitted by the applicant's

arborist regarding the amount of impact to the root zone. Concluding, he offered to respond to any questions and comments.

Chairman Lemon requested clarification of a penalty to the applicant if the tree does not survive the construction activity.

Mr. Whyte advised Chairman Lemon that he is not certain whether any specific penalty is stipulated in the Development Code.

Chairman Lemon emphasized that he is also concerned with the enforcement of any penalty that might result should the tree not survive the construction activity.

Ms. Prentice questioned whether staff has recommended submittal of a Tree Preservation Plan with regard to this application.

Mr. Whyte informed Ms. Prentice that at this point, based upon available information, it appears that more than 10% of tree root zone would be impacted. He pointed out that because the bare minimum of the required parking is available, parking remains a concern, adding that two parking stalls are proposed within the root zone area. He noted that in an effort to retain some of the impervious surface, the applicant has proposed a porous type of concrete.

Mr. Nardoza questioned whether there would be any major impact on the design if this application is approved pending a specific Condition of Approval in the event that this Condition of Approval is not approved by the HRRC.

Mr. Whyte commented that he had discussed this possibility with Mr. Osterberg, who commented that if the impact to the tree exceeds the threshold of 10%, the decision-maker is the HRRC, rather than the Board of Design Review. He pointed out that the Board may still wish to review the entire site and is able to do so, adding that there might be a possibility of altering the site to reduce the impact on the tree root zone. He noted, however, that if the applicant is still unable to meet that threshold, the decision would still be at the discretion of the HRRC. He cautioned that the Board should not adopt any conditions pertaining to this issue that could create a potential conflict with any future decision of the HRRC.

Ms. Prentice requested clarification of the Tree Preservation Plan as it concerns the Board for the purpose of this specific application.

Mr. Osterberg clarified that the Board is not reviewing a Tree Preservation, observing that while it appears likely that a Tree Preservation Plan would be required, that particular application would be reviewed by the HRRC.

Mr. Nardoza expressed his opinion that the applications are not being presented in the proper order, observing that since it is instrumental in the success of the project, the Tree Preservation Plan should be heard prior to the Design Review.

Mr. Osterberg expressed his agreement with Mr. Nardoza, emphasizing that this does not interfere with the approval or denial of this application, which is at the discretion of the Board.

Observing that there has been no testimony by the public yet, Chairman Lemon pointed out that information presented the evening of the meeting is creating more and more difficulties. He noted that while there are other issues to consider and the hearing would continue, he is concerned that a referral to the HRRC could create an issue with the 120-day rule.

Mr. Osterberg stated that he anticipates no particular problem with this situation, noting that the Design Review process is a separate application with a separate 120-day time issue. He pointed out that the Development Code, not the Board, would require HRRC approval, under certain circumstances. He pointed out that the Board should feel free to take necessary action to either approve or deny the application.

Chairman Lemon requested clarification of what factor would prompt the applicant to prepare and submit a Tree Preservation Plan, noting that because this issue can not be conditioned, the Design Review application can not be approved if it is determined that greater than 10% of the root zone is impacted.

Mr. Osterberg advised Chairman Lemon that the Development Code requires the applicant to submit an application for a Tree Preservation Plan, adding that no construction permits would be issued until this plan is approved by the HRRC.

Ms. Prentice questioned whether the plaque that would be installed on the boulder would be only a historic designation.

Mr. Whyte informed Ms. Prentice that this plaque would only be a marker to designate the site of the Hiteon School, adding that the applicant has provided a conceptual plan.

On question, Mr. Osterberg noted that upon approval of the Design Review, it would be necessary for the applicant to submit a Tree Preservation Plan to the HRRC, and agreed that denial of this plan by the HRRC could potentially require changes in the Design Review.

APPLICANT:

JOHN ANNAND, architect for the applicant, noted that the presentation would be in three stages. He noted after his presentation of the architectural elements of the project, Debe Holland, the landscape architect for the applicant, would present the landscaping elements, followed by the applicant's arborist, Dale Richards of *Robert Mazany and Associates*, who would discuss the Tree Preservation Plan.

Mr. Annand stated that an original major concern of staff had pertained to the elevation on the side of the building that did not include what he referred to as a “break-up” element. He mentioned that a gable-type arrangement had been added to the west side and the east side of the taller building, noting that the buildings are basically broken up by this method, the color scheme and the natural topography. He pointed out that some windows and additional brick veneer had been added, as well as more detail, consisting of a white grid, in the gable area. He described the basic colors and the additional colors that had been added to provide accents to the project.

DEBE HOLLAND, of *Debe Holland & Associates*, the landscape architect for the applicant, presented the landscape plan for the project. She pointed out that the main goal had been to screen and soften the appearance and effect of the apartment complex for the benefit of the adjacent properties. She explained her position on including a lawn in the back, observing that as a former apartment dweller with a child, a nearby yard for a child to play in is a real asset. She described the landscaping, including the different textures of the trees and shrubs, observing that this would also provide some screening.

Chairman Lemon referred to the proposed planting in the front, specifically whether this would include a ground cover, adding that he thinks of shrubs as being something like low azaleas, etc.

Ms. Holland assured Chairman Lemon that there would be some ground cover, although she would also like to add some shrubs, such as low-growing Rhododendrons and Japanese Maples, to address security issues. She mentioned that some of the plants would be non-blooming, to retain some interest throughout the winter months, adding that the majority of the plants in the front would be low, with a kind of a drifting appeal.

Ms. Prentice questioned the height of the berm.

Observing that she would prefer no berm, Ms. Holland advised Ms. Prentice that the berm would be two feet, expressing her opinion that three feet is too high.

DALE RICHARDS, introduced himself as the applicant and general contractor for the proposed development, stating that he would allow the arborist and engineers to address some of the issues with regard to the project.

ROBERT MAZANY, the arborist for *Robert Mazany and Associates*, discussed the four issues mentioned in the Memorandum from Patrick Hoff, dated August 23, 2001, as follows: 1) With the intended pier and beam construction, there would be no excavation, except for the piers themselves, which are fairly small; 2) The fill method would probably be the best method for preserving the tree, adding that the applicant intends to utilize a method that would allow the air and water to circulate freely through the root zone; 3) There can't be an impervious

surface in an area this small, emphasizing that any necessary reinforcement would be addressed to minimize the potential for failure of that section of the road; and 4) The grade will be raised, and the remainder of the area will be filled with aeration layers. Observing that aeration is the key issue, he expressed his opinion that a minimal amount, if any, of the root zone would be adversely affected. He pointed out that because every tree does have a life span, there is still no guarantee that this tree would survive beyond a certain period of time.

Ms. Prentice questioned the life expectancy of this particular tree.

Mr. Mazany advised Ms. Prentice that in its current condition, this tree would probably not survive any longer without the proposed construction than it would if the project is completed. He pointed out that although the tree is currently in fair condition, it is suffering from drought stress. He noted that the tree is old enough to have a pretty well established root system, although it needs pruning, fertilizing and some tender loving care.

Ms. Prentice requested clarification of how much longer Mr. Mazany anticipates this tree could survive.

Observing that the tree has been in this location for approximately 70 years, Mr. Mazany expressed his opinion that with care, it could reasonably survive another 10 or 15 years, adding that if nothing is done, less than that. Emphasizing that this care to the tree needs to be done quickly, he pointed out that his recommendation provides for this care prior to any construction work, adding that there would be no compaction over the root zone.

Mr. Edberg questioned whether trees sometimes die for reasons other than what has already been discussed.

Noting that all trees have a certain oxygen requirement, Mr. Mazany stated that some need more oxygen than others and that each tree grows to the depth necessary to obtain the required amount of oxygen.

Ms. Crane referred to the tree canopy, and questioned whether the branches would extend over the carports.

Mr. Mazany advised Ms. Crane that the only pruning would be done to clear structures and driveways, adding that the major amount of pruning would be to clear dead wood, for health and safety reasons. He clarified that the pruning process never takes greater than 15% of the live branches of a tree.

BRETT ARVIDSON, representing *Kurahashi & Associates*, discussed the parking situation, specifically the possible addition of a reinforced slab to be supported on the piers. He noted that the only disturbance would involve the small retaining wall on the piers.

GREGORY KURAHASHI of *Kurahashi & Associates*, discussed several options in terms of the tree root zone.

Mr. Mazany expressed his opinion that the root zone would not be impacted adversely, emphasizing that established criteria would be followed.

Mr. Kurahashi pointed out that there must be an ability to drain in order to prevent the root zone from becoming too wet.

Mr. Mazany mentioned that he is basically considering what he referred to as the critical root zone, which extends beyond the drip line, adding that he intends to minimize the impact on that tree even more.

Ms. Prentice questioned whether this particular area is intended for pedestrian use.

Mr. Annond pointed out that this would be a nice plaza area for a bench.

Mr. Kurahashi mentioned that if the Board deems it necessary to retain some of this area for walking, it would be possible to eliminate the plaza area.

Mr. Annond stated that Mr. Kurahashi is correct, adding that the plaza could be eliminated and access could be provided through some other point.

Chairman Lemon referred to Exhibit "E", expressing his opinion that the entire area could be turned into a tree well, 18-inches deep with a railing system. Expressing his concern with the two parking spots, he noted that there should be no porous surface within the drip line

Mr. Kurahashi mentioned that he had just discussed the issue regarding the holes proposed in the area of the two parking spaces with Mr. Mazany holes in area of two parking spaces, adding that he is not certain that these holes are even necessary. He pointed out that trees exist all over the Metro area within paving, adding that they still manage to grow with only a five-foot opening.

Ms. Crane mentioned that there appears to be no windows proposed on the end units.

Mr. Annond advised Ms. Crane that he had determined this would be more appropriate for these bedroom units.

Mr. Kurahashi referred to concern with the number of cars that would be generated by this development, noting that at 1.25 cars per unit, the impact would be quite minimal.

Ms. Prentice questioned whether any bus stops are required or proposed for the development.

Mr. Whyte commented that bus stops had been mentioned in response to a possible reduction in available parking, adding that he believes that there should be consideration given for a bus shelter related to the proposed 10% parking reduction.

PUBLIC TESTIMONY:

On question, no member of the public appeared to testify regarding these applications.

The public portion of the Public Hearing was closed.

Mr. Osterberg discussed the testimony from the applicant, observing that the proposal provides for grading, without excavation or compaction, adding that they have also proposed aeration as part of adding fill, which can absorb some amount of oil or other liquids. He described the proposal for pruning, which specifically provides for two separate elements of pruning, including the removal of dead wood, which should not be included within the pruning limitation of 20% of the tree canopy. He emphasized that no more than 15% of the canopy is proposed for removal, adding that the parking stalls under the trees would be reinforced in order not to compact soil.

Ms. Prentice referred to the 10% parking reduction as it relates to public transportation.

Mr. Osterberg advised Ms. Prentice that the Development Code provides for two different parking reductions, which provides a reduction of the number of parking spaces, based on transit amenities. He observed that this could be either a 5% reduction or a 10% reduction, noting that the difference is that a 10% reduction requires an actual bus shelter, as well as coordination with Tri-Met in order to determine the proper shelter design. He pointed out that a 5% parking reduction requires only a 200-square foot pedestrian plaza, a portion of which may be landscaped, and including a bench and a trash receptacle.

Chairman Lemon discussed several issues and possible amendments or additional Conditions of Approval, including:

- Condition of Approval No. 14, which addresses the grading and construction, expressing his opinion that with the new information provided this evening, this specific Condition of Approval should be replaced with a different Condition of Approval to address this issue.

- Protective fencing, proposed to be located at least 10 feet from the trunk, should be moved out to the drip line during the construction process, and all work within the drip line shall be done by hand and no machines whatsoever shall be allowed.
- The two parking stalls to the north and south of the tree would be constructed of reinforced concrete, with the slab to be a minimum of six-inches thick with at least No. 5 rebar, 12-inches on center each way, with no porous pavement or asphalt.
- The area shown in Exhibit “E” around the tree approximately twenty-feet square shall remain in natural state, with a keystone-type retaining wall built around it to protect it, and a handrail to meet the City Code to protect pedestrian traffic.

Mr. Osterberg advised Chairman Lemon that the handrail would be addressed through the Building Code.

Chairman Lemon mentioned another issue that he felt should be addressed through a Condition of Approval, as follows:

- The Board of Design Review should make a decision on the restricted 10% impact or disturbance to the root zone, adding that the impact would exceed 10%.

Mr. Edberg stated that the impact is obviously greater than the 10%.

Observing that he has no issues with the proposal, Mr. Nardoza emphasized that there is no way around the 10% impact restriction.

Ms. Prentice expressed her agreement that the impact exceeds the 10% impact limit and questioned how this could possibly be addressed.

Chairman Lemon informed Ms. Prentice that the applicant would have to provide a proposal for a new sidewalk or access plan to address this issue, adding that it may not be necessary for this to be reviewed by the Board.

Mr. Osterberg suggested that the Board could create a specific Condition of Approval to address this issue that provides a sufficient amount of direction for staff, including any specific amount of flexibility that would be allowed. He emphasized that it is not appropriate to leave too many details open-ended.

Ms. Crane expressed her opinion that this area around the trees could be enhanced.

Mr. Edberg pointed out that only the residents of this development would have any opportunity to enjoy this particular tree.

Ms. Prentice questioned the possibility of eliminating the two parking spots to provide for a greater open area.

Mr. Osterberg stated that he does not know of any method for deleting the two parking spaces, which would result in the application not meeting the parking requirements provided in the Development Code. He pointed out that while the elimination of one unit would provide two additional parking spaces, this is not the applicant's proposal.

Chairman Lemon mentioned that he would be polling the Board to determine any issues with this application, reminding the applicant that the outcome could be approval, approval with conditions, outright denial or continuance.

On question, Mr. Whyte advised Chairman Lemon that the applicant had signed a limited waiver on the 120-day rule with regard to the requested continuance, emphasizing that the clock is ticking tonight.

Mr. Edberg requested clarification that the Board can vote on this application without consideration of the historic tree and that the HRRC can actually shoot down this decision with their own determination.

Mr. Osterberg advised Mr. Edberg that the Board should take action on the applicant's proposal at this time, adding that the HRRC decision is the applicant's risk, emphasizing that the HRRC has authority only over the tree issue, not the remainder of the site.

Mr. Edberg observed that he is comfortable with the application, as proposed.

Chairman Lemon discussed the situation resulting from the nature of the parking lot, specifically relating to landscaping.

Mr. Osterberg stated that this is only a standard condition, adding that it is not in the Development Code, providing for one landscaped island or area for every 12 parking spaces. He emphasized that this is discretionary and flexible, noting that the parking spaces are often clustered in order to save a tree.

Chairman Lemon suggested the creation of additional parking spots by removing sidewalks and shifting the carports to the north and south of the area.

Mr. Osterberg agreed that these are all potential alternatives.

Chairman Lemon mentioned that he approves of both the plaza and the tree, as well as the design of the project, expressing his opinion that the architect and

applicant had made admirable improvements to create a design that is more pleasing to the eye. He emphasized that the does not approve of locating the two parking spaces within the drip line.

Noting that she has no problem with the application, Ms. Prentice stated that she would like to see the parking spaces moved from out of the drip line also and suggested that the walkways be rearranged.

Expressing her approval of the design, Ms. Crane agreed with Ms. Prentice's suggestions to enhance the project.

8:48 p.m. through 8:58 p.m. -- Chairman Lemon allowed for a discussion between members of the Board, the applicant and staff regarding possible modifications to the parking lot layout, and referred specifically to page 2 of 7 of the applicant's plan dated August 22, 2001.

Mr. Edberg **MOVED** for the approval of BDR 2000-0216 -- Hite Landing Multi-Family Type 3 Design Review, based upon the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts, findings and conclusions found in the Staff Report dated August 16, 2001, including recommended Conditions of Approval Nos. 1 through 15, with an amendment to Condition of Approval No. 14 and additional Condition of Approval No.16, as follows:

- ~~14. Grading in proximity to the historic oak tree shall be minimized to avoid impact to the roots of this tree. Protective fencing shall be placed at least 10 feet from the trunk, or at a greater distance if recommended by the project arborist or City arborist. Methods for tree preservation shall be shown on the plans approved for Site Development. The oak tree is to remain on-site and shall not be removed. The project arborist shall supervise the placement of temporary construction fencing at the pre-construction stage. Disturbance to the root zone of this tree shall not exceed 10% and pruning of the tree canopy shall be limited to 20%. During grading and building construction, the applicant shall consult with the project arborist, if it appears that assumptions made by the arborist, during initial field location of fencing, require further attention. If so, the arborist shall modify the placement of the fence, prescribe tree preservation measures, or both, to ensure that tree root zone will not be impacted beyond 10%.~~ **Tree protection for the existing oak tree shall be as per the drawings submitted by the applicant entitled "Tree Root Protection Plan Option B". Concrete slabs shall be impermeable, in order to protect the soil from contamination from automotive fluids. The tree protection fencing shall extend from the root to the drip zone, and all work within the drip zone shall be conducted with hand tools only.**

16. The developer will relocate two parking stalls adjacent to the proposed tree well plaza to allow for the widening of said plaza area. Modifications shall be made to the existing site plan to allow for relocation of parking stalls. Modifications may include the removal of pedestrian access ramps, gazebo, parking island, and relocating the trash enclosure.

Chairman Lemon amended the motion, providing additional Condition of Approval No. 17, as follows:

17. The proposed setback to the first traffic stall at the north entrance off of Conestoga Drive may be reduced by five feet to allow for the construction or insertion of an additional parking space to replace the two deleted at the creek plaza area. An encroachment of no more than two feet on both the north and south sides of the drip zone of the historic tree is permissible to facilitate the construction of the additional parking space on the west side of the parking lot.

Mr. Osterberg emphasized that the motion must be specific providing for up to a two-foot encroachment into tree root zone, suggesting that the impervious surface may go into tree root zone so as not to be more than ten percent of the tree root zone.

Mr. Nardozza **SECONDED** the motion for the approval of BDR 2000-0216 -- Hite Landing Multi-Family Type 3 Design Review, as amended.

Mr. Nardozza questioned whether this issue would need to be addressed by the Historic Resource Review Committee.

Mr. Osterberg suggested a specific Condition of Approval that provides that after all improvements have been made, as specified in the Board of Design Review's Conditions of Approval, the applicant shall submit a calculation to staff that establishes the amount of grading and/or construction impacts to the tree root zone.

Mr. Edberg amended his motion, to include additional Condition of Approval No. 18, as follows:

18. The developer shall submit a calculation to staff that indicates the amount of grading and/or impact to the tree root zone. If these improvements exceed the 10% disturbance criteria described in the Development Code, the developer shall submit a Tree Preservation Plan.

Mr. Nardozza **SECONDED** the amendment to the motion.

The question was called and the motion, as amended, **CARRIED**, unanimously.

APPROVAL OF MINUTES:

The minutes of June 28, 2001, as written, were submitted. Chairman Lemon asked if there were any changes or corrections. Mr. Edberg **MOVED** and Ms. Prentice **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Ms. Crane and Mr. Nardoza, who abstained from voting on this issue.

The minutes of July 12, 2001, as written, were submitted. Chairman Lemon asked if there were any changes or corrections. Chairman Lemon referred to page 14, Condition of Approval No. 14, requesting that it be amended, as follows: "Existing vegetation along the south property line adjacent to the existing house is to remain, with new plantings to the north of the existing vegetation." Chairman Lemon referred to the Calendar on page 21, observing that the Public Hearing for Home Depot is scheduled for December 13, 2001, rather than December 20, 2001. Mr. Edberg **MOVED** and Mr. Nardoza **SECONDED** a motion that the minutes be adopted as written and amended.

The question was called and the motion **CARRIED** unanimously. With the exception of Ms. Crane, who abstained from voting on this issue.

The minutes of July 26, 2001, as written, were submitted. Chairman Lemon asked if there were any changes or corrections. Ms. Prentice **MOVED** and Ms. Crane **SECONDED** a motion that the minutes be adopted as written and submitted.

The question was called and the motion **CARRIED** unanimously, with the exception of Mr. Edberg and Mr. Nardoza, who abstained from voting on this issue.

MISCELLANEOUS BUSINESS:

The meeting adjourned at 9:25 p.m.